



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

FINAL MINUTES FOR REGULAR SESSION MEETING

Held on April 3, 2008

9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

William R. Martin III, M.D., Chair
Douglas D. Lee, M.D., Vice Chair
Dona Pardo, Ph.D., R.N., Secretary
Robert P. Goldfarb, M.D., F.A.C.S.
Patricia R. J. Griffen
Andrea E. Ibáñez
Ram R. Krishna, M.D.
Todd A. Lefkowitz, M.D.
Lorraine L. Mackstaller, M.D.
Paul M. Petelin Sr., M.D.
Germaine Proulx
Amy J. Schneider, M.D., F.A.C.O.G.

CALL TO ORDER

The meeting was called to order at 3:50 p.m.

ROLL CALL

The following Board Members were present: Dr. Goldfarb, Ms. Griffen, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, and Ms. Proulx. The following Board Members were absent: Ms. Ibáñez, Dr. Krishna, and Dr. Schneider.

CALL TO PUBLIC

The following two speakers addressed the Board during its Regular Session Meeting Call to Public held on April 3, 2008 at 1:15 p.m. Dr. Greene was present and addressed the Board with legal counsel, Mr. Paul Giancola. Mr. Giancola noted that the Board has an important role in protecting the public, but also has a role in rehabilitating physicians. He stated that Dr. Greene has voluntarily undergone an evaluation and completed several hours of CME in orthopedic surgery. Mr. Giancola requested the Board allow Dr. Greene the opportunity to return to a closely monitored practice in general orthopedic surgery. Dr. Greene addressed the Board and stated that he has taken extensive remedial action and values each patient that he has treated. He informed the Board that he planned to re-enter training at Brown University, but he needs assistance from the Board in order to obtain a Pennsylvania medical license.

OTHER BUSINESS

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	RESOLUTION
1.	MD-07-0763A MD-07-0885A MD-07-0762A MD-07-0738A MD-07-0768A MD-07-0936A MD-07-0857A	A.Z. D.C. W.W. D.C. R.J. S.N. C.D.	DAVID L. GREENE, M.D.	32747	Uphold ED Referral to Formal Hearing.

The wife of patient CD was present and spoke during the call to public. She read a statement written by CD, as he was not able to attend the meeting. CD underwent surgery performed by Dr. Greene. Subsequent x-rays revealed that Dr. Greene placed a screw too deep and cracked CD's bone. CD was informed by subsequent providers that, at his age, additional surgery would limit his mobility further. CD's wife stated the Board should not provide Dr. Greene a second chance as her family is not afforded one and stated that her husband will never be able to dance with his daughter again, or play football with his son.

WW also addressed the Board during the call to public. WW said the postoperative care given to his son was grossly inadequate. In 2005, WW's son underwent surgery and was readmitted within forty-eight hours with a rapidly distended abdomen. His son

repeatedly complained that the pain medication was not working and he died the day before he was scheduled to see Dr. Greene to have staples removed. The autopsy report indicated his death was accidental due to the mixture of medication he was prescribed by Dr. Greene and his primary provider.

Gerald Moczynski, M.D., Medical Consultant, summarized the case for the Board. In August 2007, the Board issued Dr. Greene a Decree of Censure with Probation involving multiple surgical cases. During his formal interview, Dr. Greene testified that he had not experienced any other complications that the Board should be aware of. However, the Board summarily suspended his license four days later after conducting a chart review that revealed two more surgical complications; one that resulted in the patient's death. Since then, the Board has received twelve additional complaints. Of the cases reviewed, Dr. Moczynski stated there were five deaths, three foot drops, a paraplegia patient, a myelopathy, and three penetrating screws.

Dean Brekke, Assistant Attorney General, informed the Board that following referral to formal hearing, the cases were set for the hearing in December 2007. However, more cases were received with the same violations and it was determined to bring all of the cases before an Administrative Law Judge at the same time. Dr. Martin questioned whether there are any other issues that may delay the hearing and expressed concern as this matter has been going on for eight months. Mr. Brekke stated the hearing has been scheduled for Wednesday, April 16, 2008 and these cases will be included should the Board uphold the referral to Formal Hearing.

MOTION: Dr. Martin moved to enter into executive session.

SECONDED: Dr. Lee

Vote: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 4:18 p.m.

The Board returned to Open Session at 4:24 p.m.

No deliberations or discussions were made during Executive Session.

MOTION: Dr. Mackstaller moved to uphold the ED referral to formal hearing for all stated cases.

SECONDED: Dr. Lee

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.



The meeting was adjourned at 4:26 p.m.

A handwritten signature in black ink, appearing to read "Lisa S. Wynn".

Lisa S. Wynn, Executive Director